



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/071,836

02/08/2002

Tetsuya Toyoda

OOCL-83 (20020P501)

1369

26479

7590

09/06/2006

STRAUB & POKOTYLO
620 TINTON AVENUE
BLDG. B, 2ND FLOOR
TINTON FALLS, NJ 07724

EXAMINER

HERNANDEZ, NELSON D

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/071,836		TOYODA ET AL.	
	Examiner		Art Unit	
	Nelson D. Hernandez		2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 48-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 48-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The Examiner acknowledges the changes made to the title of the invention. The new title is acceptable.

Response to Amendment

2. The Examiner acknowledges the amended claims filed on June 13, 2006. Claims 1-5 and 7-21 have been amended. Claims 22-47 have been canceled. Claims 48-64 have been newly added.

Response to Arguments

3. Applicant's arguments filed June 13, 2006 have been fully considered but they are not persuasive.

The Applicant argues the following:

- a. "The Ichikawa patent describes storing an image data set in a manner connected with a relevant piece of printing instruction data. However, the printing instruction data is of a type that a user is required to input at the printer side. Namely, under the Ichikawa patent, a user performs both a condition setting of a camera when taking a photograph with the camera, and later, a condition setting of a printer when generating a printout of the photograph. Thus, the Ichikawa

does not operate in the same way as the present invention. In fact, it does not even solve the problem to which the present invention is directed.

Having introduced the Ichikawa patent, at least some of the patentable features of the claimed invention are now introduced. Independent claim 1, as amended, is not anticipated by the Ichikawa patent because the Ichikawa patent does not teach units for (i) storing a plurality of pieces of image forming instruction information used when an image forming apparatus forms a visible image based on the image data, (ii) selecting a predetermined piece of image forming instruction information from among the plurality of pieces of image forming instruction information stored in said storing unit, based on the image capturing condition set by said setting unit, and (iii) associating the image forming instruction information selected by said selecting unit with the image data, and outputting the image forming instruction information in association with the image data.”

➤ The Examiner agrees that in the Ichikawa patent, a user performs both a condition setting of a camera when taking a photograph with the camera, and later, a condition setting of a printer when generating a printout of the photograph. However, the claims as written “*a storing unit storing a plurality of pieces of image forming instruction information used when an image forming apparatus forms a visible image based on the image data*” does not require to input both the printing instruction and the photographing information on the camera side only. The claim requires only a storing unit storing a plurality of

pieces of image forming instruction information used when an image forming apparatus forms a visible image based on the image data and the Ichikawa reference as applied in the Office Action discloses storing the printing information and the photographing information in the same memory (Fig. 1: 30; see also figs. 2A and 2B). Therefore Ichikawa discloses storing unit storing a plurality of pieces of image forming instruction information used when an image forming apparatus forms a visible image based on the image data. Furthermore, in col. 8, lines 6-9, Ichikawa discloses that the camera may also set the printer information.

As shown in Col. 5, lines 16-37 and col. 7, lines 22-35, Ichikawa discloses selecting a predetermined piece of image forming instruction information from among the plurality of pieces of image forming instruction information stored in said storing unit, based on the image capturing condition set by said setting unit (Ichikawa teaches selecting on the camera side, the printing information that has been input on the printing side. Since the claim does not specifically requires that the printing instruction and the photographing instruction are both input on the camera side (using only camera controls)), the Ichikawa reference reads on the limitation of *"selecting a predetermined piece of image forming instruction information from among the plurality of pieces of image forming instruction information stored in said storing unit, based on the image capturing condition set by said setting unit"* since although the printing instruction is input by the printer, said printing instruction is based on the image capturing condition set (using

setting unit as shown in fig. 3: 84). Furthermore, in col. 8, lines 6-9, Ichikawa discloses that the camera may also set the printer information. So the selection of printing instruction information can be selected on the camera.

Also Ichikawa discloses *"an outputting unit associating the image forming instruction information selected by said selecting unit with the image data, and outputting the image forming instruction information in association with the image data"* by teaching that the memory unit 30 or wireless communication unit 42 (output unit) associates the printing information based on the photographing information (see figs. 2A and 2B) (col. 3, lines 49-65; col. 4, lines 13-67; col. 6, line 23 – col. 7, line 52; col. 8, lines 6-9). Also by teaching that the printing information can be selected in the camera, Ichikawa discloses that the outputting unit (memory 30 or wireless communication unit 42) associates the image forming instruction information selected by said selecting unit with the image data, and outputting the image forming instruction information in association with the image data so that the correction of image information at the printer can be ultimately eliminated (col. 7, lines 21-52; col. 8, lines 6-9).

Therefore, the rejections made are maintained.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-4, 7-11, 13-21 and 48-52, 54-58 and 60-64 are rejected under 35 U.S.C. 102(e) as being anticipated by Ichikawa, US Patent 6,850,271 B1.**

Regarding claim 1, Ichikawa discloses an electronic camera (See fig. 3), comprising: an image capturing unit (Fig. 3: 10) capturing an image of a subject, and outputting an image signal; an image processing unit (See image processing circuits 12, 14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3) obtaining image data in a predetermined format based on the image signal captured by said image capturing unit; a setting unit (Fig. 3: 84) setting an image capturing condition for capturing the image of the subject; a storing unit (a storing unit storing a plurality of pieces of image forming instruction information unit is taught by Ichikawa by teaching that the digital camera may selectively set printer information in the smart media of the digital camera; col. 8, lines 6-9; also the memory 30 is storing photographing information and printer instructions as shown in figs. 2A and 2B; see response to arguments above) storing a plurality of pieces of image forming instruction information used when an image forming apparatus (printer as shown in fig. 1: 100) forms a visible image based on the image data; a

Art Unit: 2622

selecting unit (using setting unit as shown in fig. 3: 84; in col. 8, lines 6-9, Ichikawa discloses that the camera may also set the printer information. So the selection of printing instruction information can be selected on the camera; see response to arguments above) selecting a predetermined piece of image forming instruction information from among the plurality of pieces of image forming instruction information stored in said storing unit, based on the image capturing condition set by said setting unit; and an outputting unit (by teaching that the memory unit 30 or wireless communication unit 42 (output unit) associates the printing information based on the photographing information (see figs. 2A and 2B) (col. 3, lines 49-65; col. 4, lines 13-67; col. 6, line 23 – col. 7, line 52; col. 8, lines 6-9). Also by teaching that the printing information can be selected in the camera, Ichikawa discloses that the outputting unit (memory 30 or wireless communication unit 42) associates the image forming instruction information selected by said selecting unit with the image data, and outputting the image forming instruction information in association with the image data so that the correction of image information at the printer can be ultimately eliminated (col. 7, lines 21-52; col. 8, lines 6-9); see response to arguments above) associating the image forming instruction information selected by said selecting unit with the image data, and outputting the image forming instruction information in association with the image data (Col. 3, lines 49-65; col. 4, lines 13-67; col. 7, lines 22-35).

Regarding claim 2, Ichikawa discloses an electronic camera (See fig. 3), comprising: an image capturing unit (Fig. 3: 10) capturing an image of a subject, and outputting an image signal; an image processing unit (See image processing circuits 12,

Art Unit: 2622

14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3) obtaining image data in a predetermined format based on the image signal captured by said image capturing unit; a shooting mode selecting unit (Fig. 3: 84) selecting a mode used for shooting from among a plurality of shooting modes; a storing unit (a storing unit storing a plurality of pieces of image forming instruction information unit is taught by Ichikawa by teaching that the digital camera may selectively set printer information in the smart media of the digital camera; col. 8, lines 6-9; also the memory 30 is storing photographing information and printer instructions as shown in figs. 2A and 2B; see response to arguments above) storing a plurality of image forming instruction modes used when an image forming apparatus (printer as shown in fig. 1: 100) forms a visible image based on the image data; an image forming instruction mode selecting unit (using setting unit as shown in fig. 3: 84; in col. 8, lines 6-9, Ichikawa discloses that the camera may also set the printer information. So the selection of printing instruction information can be selected on the camera; see response to arguments above) selecting a predetermined image forming instruction mode from among the plurality of image forming instruction modes stored in said storing unit based on the shooting mode selected by said shooting mode selecting unit; and an outputting unit (by teaching that the memory unit 30 or wireless communication unit 42 (output unit) associates the printing information based on the photographing information (see figs. 2A and 2B) (col. 3, lines 49-65; col. 4, lines 13-67; col. 6, line 23 – col. 7, line 52; col. 8, lines 6-9). Also by teaching that the printing information can be selected in the camera, Ichikawa discloses that the outputting unit (memory 30 or wireless communication unit 42) associates the image forming

Art Unit: 2622

instruction information selected by said selecting unit with the image data, and outputting the image forming instruction information in association with the image data so that the correction of image information at the printer can be ultimately eliminated (col. 7, lines 21-52; col. 8, lines 6-9); see response to arguments above) associating the image forming instruction mode selected by said image forming instruction mode selecting unit with the image data, and outputting the image forming instruction mode in association with the image data (Col. 3, lines 49-65; col. 4, lines 13-67; col.7, lines 22-35).

Regarding claim 3, Ichikawa discloses an electronic camera (See fig. 3), comprising: an image capturing unit (Fig. 3: 10) capturing an image of a subject, and outputting an image signal; an image processing unit (See image processing circuits 12, 14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3) obtaining image data in a predetermined format based on the image signal captured by said image capturing unit; an image capturing condition setting unit (Fig. 3: 84 with cursor 82) setting a condition for image capturing performed by said image capturing unit based on status of the subject; a storing unit (a storing unit storing a plurality of pieces of image forming instruction information unit is taught by Ichikawa by teaching that the digital camera may selectively set printer information in the smart media of the digital camera; col. 8, lines 6-9; also the memory 30 is storing photographing information and printer instructions as shown in figs. 2A and 2B; see response to arguments above) storing a plurality of image forming instruction modes used when an image forming apparatus (printer as shown in fig. 1: 100) forms a visible image based on the image data; an image forming instruction

Art Unit: 2622

mode selecting unit (using setting unit as shown in fig. 3: 84; in col. 8, lines 6-9, Ichikawa discloses that the camera may also set the printer information. So the selection of printing instruction information can be selected on the camera; see response to arguments above) selecting a predetermined image forming instruction mode from among the plurality of image forming instruction modes stored in said storing unit based on the condition for image capturing, which is set by said image capturing condition setting unit; and an outputting unit (by teaching that the memory unit 30 or wireless communication unit 42 (output unit) associates the printing information based on the photographing information (see figs. 2A and 2B) (col. 3, lines 49-65; col. 4, lines 13-67; col. 6, line 23 – col. 7, line 52; col. 8, lines 6-9). Also by teaching that the printing information can be selected in the camera, Ichikawa discloses that the outputting unit (memory 30 or wireless communication unit 42) associates the image forming instruction information selected by said selecting unit with the image data, and outputting the image forming instruction information in association with the image data so that the correction of image information at the printer can be ultimately eliminated (col. 7, lines 21-52; col. 8, lines 6-9); see response to arguments above) associating the image forming instruction mode selected by said image forming instruction mode selecting unit with the image data, and outputting the image forming instruction mode in association with the image data (Col. 3, lines 49-65; col. 4, lines 13-67; col. 7, lines 22-35).

Regarding claim 4, Ichikawa discloses an electronic camera (See fig. 3), comprising: an image capturing unit (Fig. 3: 10) capturing an image of a subject, and

Art Unit: 2622

outputting an image signal; an image processing unit (See image processing circuits 12, 14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3) obtaining image data in a predetermined format based on the image signal captured by said image capturing unit; a shooting mode selecting unit (Fig. 3: 84) selecting a mode used for shooting from among a plurality of shooting modes; an image capturing condition setting unit (Fig. 3: 84 with cursor 82) setting a condition for image capturing performed by said image capturing unit based on status of the subject; a storing unit (a storing unit storing a plurality of pieces of image forming instruction information unit is taught by Ichikawa by teaching that the digital camera may selectively set printer information in the smart media of the digital camera; col. 8, lines 6-9; also the memory 30 is storing photographing information and printer instructions as shown in figs. 2A and 2B; see response to arguments above) storing a plurality of image forming instruction modes used when an image forming apparatus (printer as shown in fig. 1: 100) forms a visible image based on the image data; an image forming instruction mode selecting unit (using setting unit as shown in fig. 3: 84; in col. 8, lines 6-9, Ichikawa discloses that the camera may also set the printer information. So the selection of printing instruction information can be selected on the camera; see response to arguments above) selecting a predetermined image forming instruction mode from among the plurality of image forming instruction modes stored in said storing unit based on the shooting mode selected by said shooting mode selecting unit, and the condition for image capturing, which is set by said image capturing condition setting unit; and an outputting unit (by teaching that the memory unit 30 or wireless communication unit 42 (output unit)

Art Unit: 2622

associates the printing information based on the photographing information (see figs. 2A and 2B) (col. 3, lines 49-65; col. 4, lines 13-67; col. 6, line 23 – col. 7, line 52; col. 8, lines 6-9). Also by teaching that the printing information can be selected in the camera, Ichikawa discloses that the outputting unit (memory 30 or wireless communication unit 42) associates the image forming instruction information selected by said selecting unit with the image data, and outputting the image forming instruction information in association with the image data so that the correction of image information at the printer can be ultimately eliminated (col. 7, lines 21-52; col. 8, lines 6-9); see response to arguments above) associating the image forming instruction mode selected by said image forming instruction mode selecting unit with the image data, and outputting the image forming instruction mode in association with the image data (Col. 3, lines 49-65; col. 4, lines 13-67; col. 7, lines 22-35).

Regarding claim 7, Ichikawa discloses an electronic camera system (See fig. 1) having an electronic camera (Figs. 1: 50 and 3: 50), and an image forming apparatus (Fig. 1: 100), wherein: the electronic camera comprises an image capturing unit (Fig. 3: 10) capturing an image of a subject, and outputting an image signal, an image processing unit (See image processing circuits 12, 14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3) obtaining image data in a predetermined format based on the image signal captured by said image capturing unit, a setting unit (Fig. 3: 84) setting an image capturing condition for capturing the image of the subject, a storing unit (a storing unit storing a plurality of pieces of image forming instruction information unit is taught by Ichikawa by teaching that the digital camera may selectively set printer information in

Art Unit: 2622

the smart media of the digital camera; col. 8, lines 6-9; also the memory 30 is storing photographing information and printer instructions as shown in figs. 2A and 2B; see response to arguments above) storing a plurality of pieces of image forming instruction information used when an image forming apparatus (printer as shown in fig. 1: 100) forms a visible image based on the image data, a selecting unit (using setting unit as shown in fig. 3: 84; in col. 8, lines 6-9, Ichikawa discloses that the camera may also set the printer information. So the selection of printing instruction information can be selected on the camera; see response to arguments above) selecting a predetermined piece of image forming instruction information from among the plurality of pieces of image forming instruction information stored in said storing unit, based on the image capturing condition set by said setting unit and an outputting unit (by teaching that the memory unit 30 or wireless communication unit 42 (output unit) associates the printing information based on the photographing information (see figs. 2A and 2B) (col. 3, lines 49-65; col. 4, lines 13-67; col. 6, line 23 – col. 7, line 52; col. 8, lines 6-9). Also by teaching that the printing information can be selected in the camera, Ichikawa discloses that the outputting unit (memory 30 or wireless communication unit 42) associates the image forming instruction information selected by said selecting unit with the image data, and outputting the image forming instruction information in association with the image data so that the correction of image information at the printer can be ultimately eliminated (col. 7, lines 21-52; col. 8, lines 6-9); see response to arguments above) associating the image forming instruction information selected by said selecting unit with the image data, and outputting the image forming instruction information in association

Art Unit: 2622

with the image data; and the image forming apparatus comprises a reading unit (Col. 3, lines 13-48) reading image data to be formed as an image, and image forming instruction information in association with the image data, an image forming mode selecting unit (Fig. 1: 58) selecting an image forming mode, which corresponds to the image forming instruction information read by said reading unit, from among a plurality of image forming modes performing an image forming process according to a different condition, an image forming processing unit (Fig. 1: 62) performing an image quality forming process according to the image forming mode selected by said image forming mode selecting unit, and an image outputting unit (Fig. 1: 66) outputting image data for which an image process is performed by said image forming processing unit (Col. 3, lines 49-65; col. 4, lines 13-67; col.7, lines 22-35).

Regarding claim 8, Ichikawa discloses a method associating predetermined information with image data, and outputting the predetermined information in association with the image data, comprising: setting an image capturing condition for capturing an image of a subject (Using Mode dial 84 as shown in fig, 3); capturing the image of the subject, and outputting an image signal (Using photographing device 10 as shown in fig. 3); obtaining image data in a predetermined format based on the image signal (Using processing circuits 12, 14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3); selecting a predetermined piece of image forming instruction information from among a plurality of pieces of image forming instruction information used when an image forming apparatus (printer as shown in fig. 1: 100) forms a visible image based on the obtained image data, according to the set image capturing condition (using setting unit as shown

Art Unit: 2622

in fig. 3: 84; in col. 8, lines 6-9, Ichikawa discloses that the camera may also set the printer information. So the selection of printing instruction information can be selected on the camera; see response to arguments above); and associating the selected image forming instruction information with the obtained image data (See figs. 2A and 2B), and outputting the image forming instruction information in association with the image data (by teaching that the memory unit 30 or wireless communication unit 42 (output unit) associates the printing information based on the photographing information (see figs. 2A and 2B) (col. 3, lines 49-65; col. 4, lines 13-67; col. 6, line 23 – col. 7, line 52; col. 8, lines 6-9). Also by teaching that the printing information can be selected in the camera, Ichikawa discloses that the outputting unit (memory 30 or wireless communication unit 42) associates the image forming instruction information selected by said selecting unit with the image data, and outputting the image forming instruction information in association with the image data so that the correction of image information at the printer can be ultimately eliminated (col. 7, lines 21-52; col. 8, lines 6-9); see response to arguments above) (Col. 3, lines 49-65; col. 4, lines 13-67; col.7, lines 22-35).

Regarding claim 9, Ichikawa discloses a method associating predetermined information with image data, and outputting the predetermined information in association with the image data, comprising: selecting a mode (Using Mode dial 84 as shown in fig. 3) used for shooting from among a plurality of shooting modes; capturing an image of a subject, and outputting an image signal (Using photographing device 10 as shown in fig. 3); obtaining image data in a predetermined format based on the image signal (Using processing circuits 12, 14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3);

Art Unit: 2622

selecting a predetermined image forming instruction mode from among a plurality of image forming instruction modes used when an image forming apparatus (printer as shown in fig. 1: 100) forms a visible image based on the obtained image data, according to the selected shooting mode (using setting unit as shown in fig. 3: 84; in col. 8, lines 6-9, Ichikawa discloses that the camera may also set the printer information. So the selection of printing instruction information can be selected on the camera; see response to arguments above); and associating the selected image forming instruction mode with the obtained image data (See figs. 2A and 2B), and outputting the image forming instruction mode in associating with the image data (by teaching that the memory unit 30 or wireless communication unit 42 (output unit) associates the printing information based on the photographing information (see figs. 2A and 2B) (col. 3, lines 49-65; col. 4, lines 13-67; col. 6, line 23 – col. 7, line 52; col. 8, lines 6-9). Also by teaching that the printing information can be selected in the camera, Ichikawa discloses that the outputting unit (memory 30 or wireless communication unit 42) associates the image forming instruction information selected by said selecting unit with the image data, and outputting the image forming instruction information in association with the image data so that the correction of image information at the printer can be ultimately eliminated (col. 7, lines 21-52; col. 8, lines 6-9); see response to arguments above) (Col. 3, lines 49-65; col. 4, lines 13-67; col. 7, lines 22-35).

Regarding claim 10, Ichikawa discloses a method associating predetermined information with image data, and outputting the predetermined information in association with the image data, comprising: setting a condition for image capturing

Art Unit: 2622

based on status of a subject (Using Mode dial 84 as shown in fig. 3); capturing an image of the subject, and outputting an image signal; (Using photographing device 10 as shown in fig. 3); obtaining image data in a predetermined format based on the image signal (Using processing circuits 12, 14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3); selecting a predetermined image forming instruction mode from among a plurality of image forming instruction modes used when an image forming apparatus (printer as shown in fig. 1: 100) forms a visible image based on the obtained image data, according to the set condition for image capturing (using setting unit as shown in fig. 3: 84; in col. 8, lines 6-9, Ichikawa discloses that the camera may also set the printer information. So the selection of printing instruction information can be selected on the camera; see response to arguments above); and associating the selected image forming instruction mode with the obtained image data (See figs. 2A and 2B), and outputting the image forming instruction mode in association with the image data (by teaching that the memory unit 30 or wireless communication unit 42 (output unit) associates the printing information based on the photographing information (see figs. 2A and 2B) (col. 3, lines 49-65; col. 4, lines 13-67; col. 6, line 23 – col. 7, line 52; col. 8, lines 6-9). Also by teaching that the printing information can be selected in the camera, Ichikawa discloses that the outputting unit (memory 30 or wireless communication unit 42) associates the image forming instruction information selected by said selecting unit with the image data, and outputting the image forming instruction information in association with the image data so that the correction of image information at the printer can be ultimately

Art Unit: 2622

eliminated (col. 7, lines 21-52; col. 8, lines 6-9); see response to arguments above)

(Col. 3, lines 49-65; col. 4, lines 13-67; col.7, lines 22-35).

Regarding claim 11, Ichikawa discloses a method associating predetermined information with image data, and outputting the predetermined information in association with the image data, comprising: selecting a mode used for shooting from among a plurality of shooting modes (Using Mode dial 84 as shown in fig, 3); setting a condition for image capturing based on status of a subject (Using Mode dial 84 with cursor 82 as shown in fig, 3); capturing an image of the subject, and outputting an image signal (Using photographing device 10 as shown in fig. 3); obtaining image data in a predetermined format based on the image signal (Using processing circuits 12, 14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3); selecting a predetermined image forming instruction mode from among a plurality of image forming instruction modes used when an image forming apparatus (printer as shown in fig. 1: 100) forms a visible image based on the obtained image data, according to the selected shooting mode and the set condition for image capturing (using setting unit as shown in fig. 3: 84; in col. 8, lines 6-9, Ichikawa discloses that the camera may also set the printer information. So the selection of printing instruction information can be selected on the camera; see response to arguments above); and associating the selected image forming instruction mode with the obtained image data (See figs. 2A and 2B), and outputting the image forming instruction mode in associating with the image data (by teaching that the memory unit 30 or wireless communication unit 42 (output unit) associates the printing information based on the photographing information (see figs. 2A an 2B) (col. 3, lines

Art Unit: 2622

49-65; col. 4, lines 13-67; col. 6, line 23 – col. 7, line 52; col. 8, lines 6-9). Also by teaching that the printing information can be selected in the camera, Ichikawa discloses that the outputting unit (memory 30 or wireless communication unit 42) associates the image forming instruction information selected by said selecting unit with the image data, and outputting the image forming instruction information in association with the image data so that the correction of image information at the printer can be ultimately eliminated (col. 7, lines 21-52; col. 8, lines 6-9); see response to arguments above) (Col. 3, lines 49-65; col. 4, lines 13-67; col.7, lines 22-35).

Regarding claim 13, Ichikawa discloses an image forming method, comprising: setting an image capturing condition for capturing an image of a subject (Using Mode dial 84 as shown in fig. 3), capturing the image of the subject, and outputting an image signal (Using photographing device 10 as shown in fig. 3), obtaining image data in a predetermined format based on the image signal (Using processing circuits 12, 14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3), selecting a predetermined piece of image forming instruction information from among a plurality of pieces of image forming instruction information used when an image forming apparatus (printer as shown in fig. 1: 100) forms a visible image based on the obtained image data, according to the set image capturing condition (using setting unit as shown in fig. 3: 84; in col. 8, lines 6-9, Ichikawa discloses that the camera may also set the printer information. So the selection of printing instruction information can be selected on the camera; see response to arguments above), and associating the selected image forming instruction information with the obtained image data (See figs. 2A and 2B), and outputting the

Art Unit: 2622

image forming instruction information in associating with the image data (by teaching that the memory unit 30 or wireless communication unit 42 (output unit) associates the printing information based on the photographing information (see figs. 2A and 2B) (col. 3, lines 49-65; col. 4, lines 13-67; col. 6, line 23 – col. 7, line 52; col. 8, lines 6-9). Also by teaching that the printing information can be selected in the camera, Ichikawa discloses that the outputting unit (memory 30 or wireless communication unit 42) associates the image forming instruction information selected by said selecting unit with the image data, and outputting the image forming instruction information in association with the image data so that the correction of image information at the printer can be ultimately eliminated (col. 7, lines 21-52; col. 8, lines 6-9); see response to arguments above), in an electronic camera (Fig. 3: 10); and reading image data to be formed as an image (Col. 3, lines 13-48), and image forming instruction information in associating with the image data (Using LUT Correction shown in fig. 1: 58), selecting an image forming mode which corresponds to the read image forming instruction information from among a plurality of image forming modes performing an image forming process according to a different condition, performing an image quality forming process according to the selected image forming mode (Using Image Analyzing and Printer Auto Setup Coefficient Determining Section as shown in fig. 1: 62), and outputting the image data for which the image process is performed as the image quality forming process, in an image forming apparatus (Using Print Engine as shown in fig. 1: 66) (Col. 3, lines 49-65; col. 4, lines 13-67; col. 7, lines 22-35).

Regarding claim 14, Ichikawa discloses an electronic camera (See fig. 3), comprising: an image capturing unit (Fig. 3: 10) capturing an image of a subject, and outputting an image signal; an image processing unit (See image processing circuits 12, 14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3) obtaining image data in a predetermined format based on the image signal captured by said image capturing unit; a shooting condition correcting unit (See figs. 3, processing circuits 12, 18, 20, 22, 24 and 26) correcting a shooting condition for exposure; a setting unit (dial 84 with cursor 82 as shown in fig. 3) setting correction instruction information for instructing a correction for a process performed when an image forming apparatus (printer as shown in fig. 1: 100) forms a visible image from the image data, based on the shooting condition corrected by said shooting condition correcting unit (using setting unit as shown in fig. 3: 84; in col. 8, lines 6-9, Ichikawa discloses that the camera may also set the printer information. So the selection of printing instruction information can be selected on the camera; see response to arguments above); and an outputting unit (by teaching that the memory unit 30 or wireless communication unit 42 (output unit) associates the printing information based on the photographing information (see figs. 2A and 2B) (col. 3, lines 49-65; col. 4, lines 13-67; col. 6, line 23 – col. 7, line 52; col. 8, lines 6-9). Also by teaching that the printing information can be selected in the camera, Ichikawa discloses that the outputting unit (memory 30 or wireless communication unit 42) associates the image forming instruction information selected by said selecting unit with the image data, and outputting the image forming instruction information in association with the image data so that the correction of image information at the printer

Art Unit: 2622

can be ultimately eliminated (col. 7, lines 21-52; col. 8, lines 6-9); see response to arguments above) associating the correction instruction information for instructing a correction for a process performed when an image forming apparatus (printer as shown in fig. 1: 100) forms a visible image (See figs. 2A and 2B), which is set by said setting unit, with the image data and outputting the correction instruction information in association with the image data (Col. 3, lines 49-65; col. 4, lines 13-67; col.7, lines 22-35).

Regarding claim 15, claim 15 is written as a Markush type claim by using the expression "... includes at least any of a grayscale process, a color process, and a sharpness process" (see lines 5-7), meeting one species of a genus family anticipates the claimed subject matter. "A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus." The species in that case will anticipate the genus. In re Slayer, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Ichikawa discloses that the setting unit sets correction instruction information for instructing whether or not to make a correction for each process that includes a color process, and a sharpness process (See figs. 2A and 2B), which are performed when an image forming apparatus (printer as shown in fig. 1: 100) forms a visible image from the image data, based on the shooting condition corrected by said shooting condition correcting unit (Using dial 84 and the cursor 82, it can be determine whether to enable or disable a predetermined process; col. 5, lines 16-45).

Regarding claim 16, Ichikawa discloses that the setting unit sets correction instruction information for instructing corrections for a plurality of combined processes performed when an image forming apparatus (printer as shown in fig. 1: 100) forms a visible image from the image data, based on the shooting condition corrected by said shooting condition correcting unit (See instruction information in figs. 2A and 2B; col. 3, lines 49-65).

Regarding claim 17, Ichikawa discloses an electronic camera (See fig. 3) system having an electronic camera and an image forming apparatus (See fig. 1: 100), wherein: the electronic camera comprises an image capturing unit (Fig. 3: 10) capturing an image of a subject, and outputting an image signal, an image processing unit (processing circuits 12, 14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3) obtaining image data in a predetermined format based on the image signal captured by said image capturing unit, a shooting condition correcting unit (See figs. 3, processing circuits 12, 18, 20, 22, 24 and 26) correcting a shooting condition for exposure or image quality at the time of shooting, a setting unit (mode dial 84 with cursor 82 as shown in fig. 3) setting correction instruction information for instructing a correction for a process performed when an image forming apparatus (printer as shown in fig. 1: 100) forms a visible image from the image data, based on the shooting condition corrected by said shooting condition correcting unit (using setting unit as shown in fig. 3: 84; in col. 8, lines 6-9, Ichikawa discloses that the camera may also set the printer information. So the selection of printing instruction information can be selected on the camera; see response to arguments above), and an outputting unit (by teaching that the memory unit

Art Unit: 2622

30 or wireless communication unit 42 (output unit) associates the printing information based on the photographing information (see figs. 2A and 2B) (col. 3, lines 49-65; col. 4, lines 13-67; col. 6, line 23 – col. 7, line 52; col. 8, lines 6-9). Also by teaching that the printing information can be selected in the camera, Ichikawa discloses that the outputting unit (memory 30 or wireless communication unit 42) associates the image forming instruction information selected by said selecting unit with the image data, and outputting the image forming instruction information in association with the image data so that the correction of image information at the printer can be ultimately eliminated (col. 7, lines 21-52; col. 8, lines 6-9); see response to arguments above) associating the correction instruction information for instructing a correction for a process performed when an image forming apparatus (printer as shown in fig. 1: 100) forms a visible image, which is set by said setting unit, with the image data and outputting the correction instruction information in association with the image data (See figs. 2A and 2B); and the image forming apparatus comprises a reading unit (Col. 3, lines 13-48) reading image data to be formed as an image, and correction instruction information in association with the image data, an image forming processing unit (Figs. 1: 58 and 1: 62) performing an image quality forming process based on the correction instruction information read by said reading unit, and an outputting unit (Fig. 1: 66) outputting the image data for which the image process is performed by said image forming processing unit (Col. 3, lines 49-65; col. 4, lines 13-67; col. 7, lines 22-35).

Regarding claim 18, limitations can be found in claim 15.

Regarding claim 19, limitations can be found in claim 16.

Regarding claim 20, Ichikawa discloses a method associating predetermined information with image data, and outputting the predetermined information in association with the image data, comprising: correcting a shooting condition for exposure or image quality at the time of shooting (Using processing circuits 12, 18, 20, 22, 24 and 26 as shown in fig. 3); capturing an image of a subject, and outputting an image signal (Using photographing device 10 as shown in fig. 3); obtaining image data in a predetermined format based on the image signal (Using processing circuits 12, 14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3); setting correction instruction information for instructing a correction for a process performed when an image forming apparatus (printer as shown in fig. 1: 100) forms a visible image from the obtained image data, based on the corrected shooting condition (Using mode dial 84 with cursor 82 as shown in fig. 3); and associating the set correction instruction information for instructing the correction for the process performed when an image forming apparatus (printer as shown in fig. 1: 100) forms a visible image with the image data (See figs. 2A and 2B) (using setting unit as shown in fig. 3: 84; in col. 8, lines 6-9, Ichikawa discloses that the camera may also set the printer information. So the selection of printing instruction information can be selected on the camera; see response to arguments above), and outputting the correction instruction information in association with the image data (by teaching that the memory unit 30 or wireless communication unit 42 (output unit) associates the printing information based on the photographing information (see figs. 2A and 2B) (col. 3, lines 49-65; col. 4, lines 13-67; col. 6, line 23 – col. 7, line 52; col. 8, lines 6-9). Also by teaching that the printing information can be selected in the camera,

Art Unit: 2622

Ichikawa discloses that the outputting unit (memory 30 or wireless communication unit 42) associates the image forming instruction information selected by said selecting unit with the image data, and outputting the image forming instruction information in association with the image data so that the correction of image information at the printer can be ultimately eliminated (col. 7, lines 21-52; col. 8, lines 6-9); see response to arguments above) (Col. 3, lines 49-65; col. 4, lines 13-67; col.7, lines 22-35).

Regarding claim 21, Ichikawa discloses an image forming method, comprising: correcting a shooting condition for exposure or image quality at the time of shooting (Using processing circuits 12, 18, 20, 22, 24 and 26 as shown in fig. 3), capturing an image of a subject, and outputting an image signal (Using photographing device 10 as shown in fig. 3), obtaining image data in a predetermined format based on the image signal (Using processing circuits 12, 14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3), setting correction instruction information for instructing a correction for a process performed when an image forming apparatus (printer as shown in fig. 1: 100) forms a visible image from the obtained image data, based on the corrected shooting condition (Using mode dial 84 with cursor 82 as shown in fig. 3), and associating the set correction instruction information for instructing the correction for the process performed when an image forming apparatus (printer as shown in fig. 1: 100) forms a visible image with the image data (See figs. 2A and 2B) (using setting unit as shown in fig. 3: 84; in col. 8, lines 6-9, Ichikawa discloses that the camera may also set the printer information. So the selection of printing instruction information can be selected on the camera; see response to arguments above), and outputting the correction instruction information in

Art Unit: 2622

association with the image data, in an electronic camera (by teaching that the memory unit 30 or wireless communication unit 42 (output unit) associates the printing information based on the photographing information (see figs. 2A and 2B) (col. 3, lines 49-65; col. 4, lines 13-67; col. 6, line 23 – col. 7, line 52; col. 8, lines 6-9). Also by teaching that the printing information can be selected in the camera, Ichikawa discloses that the outputting unit (memory 30 or wireless communication unit 42) associates the image forming instruction information selected by said selecting unit with the image data, and outputting the image forming instruction information in association with the image data so that the correction of image information at the printer can be ultimately eliminated (col. 7, lines 21-52; col. 8, lines 6-9); see response to arguments above); and reading image data to be formed as an image, and correction instruction information in association with the image data (Col. 3, lines 13-48), performing an image quality forming process based on the read correction instruction information (Using LUT Correction 58 and Image Analyzing and Printer Auto Setup Coefficient Determining Section 62 as shown in fig. 1: 58), and outputting the image data for which the image process is performed as the image quality forming process, in an image forming apparatus (Using Print Engine as shown in fig. 1: 66) (Col. 3, lines 49-65; col. 4, lines 13-67; col. 7, lines 22-35).

Regarding claim 48, Ichikawa discloses that the outputting unit automatically associates the image forming instruction mode selected by said image forming instruction mode selecting unit with the image data (in col. 5, lines 15-45, Ichikawa teaches automatically associating the image forming instruction mode selected by said

Art Unit: 2622

image forming instruction mode selecting unit with the image data by teaching that the printing information is used to perform an automatic re-learning, wherein the camera performs adjustments to certain photographing conditions based on the printing information), and outputs, to the image forming apparatus, the image forming instruction mode in association with the image data such that the image forming apparatus uses, automatically, the selected piece of image forming instruction information when forming the visible image based on the image data (Col. 5, line 15 – col. 7, line 35; col. 8, lines 6-9). Grounds for rejecting claim 1 apply here.

Regarding claims 49-52, 54-58 and 60-64, Ichikawa discloses that the image forming apparatus is a printer (See fig. 1: 100; col. 3, lines 14-47).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 5, 6, 12, 53 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichikawa, US Patent 6,850,271 B1 in view of Yamagishi, US Patent 6,965,410 B1.**

Regarding claim 5, Ichikawa discloses an electronic camera (See fig. 3), comprising: an image capturing unit (Fig. 3: 10) capturing an image of a subject, and outputting an image signal; an image processing unit (See image processing circuits 12,

Art Unit: 2622

14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3) obtaining image data in a predetermined format based on the image signal captured by said image capturing unit; a setting unit (Fig. 3: 84) setting an image capturing condition for capturing the image of the subject from among a plurality of image capturing conditions; a storing unit (a storing unit storing a plurality of pieces of image forming instruction information unit is taught by Ichikawa by teaching that the digital camera may selectively set printer information in the smart media of the digital camera; col. 8, lines 6-9; also the memory 30 is storing photographing information and printer instructions as shown in figs. 2A and 2B; see response to arguments above) storing a plurality of pieces of image forming instruction information used when an image forming apparatus (printer as shown in fig. 1: 100) forms a visible image based on the image data; a selecting unit (using setting unit as shown in fig. 3: 84; in col. 8, lines 6-9, Ichikawa discloses that the camera may also set the printer information. So the selection of printing instruction information can be selected on the camera; see response to arguments above) selecting a predetermined piece of image forming instruction information from among the plurality of pieces of image forming instruction information stored in said storing unit; and an outputting unit (by teaching that the memory unit 30 or wireless communication unit 42 (output unit) associates the printing information based on the photographing information (see figs. 2A and 2B) (col. 3, lines 49-65; col. 4, lines 13-67; col. 6, line 23 – col. 7, line 52; col. 8, lines 6-9). Also by teaching that the printing information can be selected in the camera, Ichikawa discloses that the outputting unit (memory 30 or wireless communication unit 42) associates the image forming instruction information selected

Art Unit: 2622

by said selecting unit with the image data, and outputting the image forming instruction information in association with the image data so that the correction of image information at the printer can be ultimately eliminated (col. 7, lines 21-52; col. 8, lines 6-9); see response to arguments above) associating the image forming instruction information selected by said selecting unit with the image data (See figs. 2A and 2B), and outputting the image forming instruction information in association with the image data (Using memory card 30 or wireless communication unit 42; see also figs. 2A and 2B storing image data with image forming information) (Col. 3, lines 49-65; col. 4, lines 13-67; col.7, lines 22-35).

Ichikawa fails to teach that priorities are assigned to the image capturing conditions and selecting the pieces of information based on a priority assigned to the image capturing condition set by said setting unit.

However, assigning priorities to image capturing condition and performing processes related to said image capturing conditions based on said priorities is well known in the art as taught by Yamagishi. Yamagishi teaches a camera (See fig. 1), which performs different processes (i.e. auto-focus, auto-exposure, flash light control, continuous shot, shutter speed, etc.) for different image capture conditions (AV, TV mode, panorama, continuous shot mode, etc.), wherein a selected shooting mode has a predetermined priority different from the conditions for image capturing (i.e. when performing continuous shot mode, the other processes such as auto exposure will be performed based on said selected mode) (Col. 3, lines 16-48; col. 5, line 65 – col. 6, line 14; col. 6, line 43 – col. 7, line 9; col. 10, lines 25-59; col. 11, lines 49-62).

Therefore, taking the combined teaching of Ichikawa in view of Yamagishi as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ichikawa by assigning priorities to the image capturing conditions and selecting the pieces of information based on a priority assigned to the image capturing condition set by said setting unit. The motivation to do so would have been to correctly process the image data captured by the camera since the image processing is performed based on the shooting mode being selected; this would also speed up the process of capturing and processing image.

Regarding claim 6, limitations can be found in claim 5.

Regarding claim 12, Ichikawa discloses a method associating predetermined information with image data, and outputting the predetermined information in association with the image data, comprising: setting an image capturing condition for capturing an image of a subject from among a plurality of image capturing conditions (Using dial shown in fig. 3: 84); capturing the image of the subject, and outputting an image signal (Using photographic device shown in fig. 3: 10); obtaining image data in a predetermined format based on the image signal (Using image processing circuits 12, 14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3); selecting a predetermined piece of image forming instruction information from among a plurality of pieces of image forming instruction information used when an image forming apparatus (printer as shown in fig. 1: 100) forms a visible image based on the obtained image data (using setting unit as shown in fig. 3: 84; in col. 8, lines 6-9, Ichikawa discloses that the camera may also set the printer information. So the selection of printing instruction information can be

Art Unit: 2622

selected on the camera; see response to arguments above); and associating the selected image forming instruction information with the obtained image data (See figs. 2A and 2B), and outputting the image forming instruction information in associating with the image data (by teaching that the memory unit 30 or wireless communication unit 42 (output unit) associates the printing information based on the photographing information (see figs. 2A and 2B) (col. 3, lines 49-65; col. 4, lines 13-67; col. 6, line 23 – col. 7, line 52; col. 8, lines 6-9). Also by teaching that the printing information can be selected in the camera, Ichikawa discloses that the outputting unit (memory 30 or wireless communication unit 42) associates the image forming instruction information selected by said selecting unit with the image data, and outputting the image forming instruction information in association with the image data so that the correction of image information at the printer can be ultimately eliminated (col. 7, lines 21-52; col. 8, lines 6-9); see response to arguments above) (Col. 3, lines 49-65; col. 4, lines 13-67; col. 7, lines 22-35).

Ichikawa fails to teach that priorities are assigned to the image capturing conditions and selecting the pieces of information based on a priority assigned to the image capturing condition set by said setting unit.

However, assigning priorities to image capturing condition and performing processes related to said image capturing conditions based on said priorities is well known in the art as taught by Yamagishi. Yamagishi teaches a camera (See fig. 1), which performs different processes (i.e. auto-focus, auto-exposure, flash light control, continuous shot, shutter speed, etc.) for different image capture conditions (AV, TV

Art Unit: 2622

mode, panorama, continuous shot mode, etc.), wherein a selected shooting mode has a predetermined priority different from the conditions for image capturing (i.e. when performing continuous shot mode, the other processes such as auto exposure will be performed based on said selected mode) (Col. 3, lines 16-48; col. 5, line 65 – col. 6, line 14; col. 6, line 43 – col. 7, line 9; col. 10, lines 25-59; col. 11, lines 49-62).

Therefore, taking the combined teaching of Ichikawa in view of Yamagishi as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ichikawa by assigning priorities to the image capturing conditions and selecting the pieces of information based on a priority assigned to the image capturing condition set by said setting unit. The motivation to do so would have been to correctly process the image data captured by the camera since the image processing is performed based on the shooting mode being selected; this would also speed up the process of capturing and processing image.

Regarding claims 53 and 59, Ichikawa discloses that the image forming apparatus is a printer (See fig. 1: 100; col. 3, lines 14-47).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2622

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 8:30 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nelson D. Hernandez
Examiner
Art Unit 2622

NDHH
September 1, 2006



VIVEK SRIVASTAVA
PRIMARY EXAMINER